



DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS

ARMY CORPS OF ENGINEERS CENTRE

190 FIFTH STREET EAST

ST. PAUL, MN 55101-1638

REPLY TO
ATTENTION OF

August 29, 2001

Construction-Operations
Regulatory (2001-06940-JJY)

Mr. David P. Welle
7255 County Road 15
Minnetrista, Minnesota 55364

Dear Mr. Welle:

We have reviewed information about your project to install drain tile in an unnamed wetland. The project site is in the SE 1/4 Sec. 16, T. 117 N., R. 24 W., City of Minnetrista, Hennepin County, Minnesota, as shown on the attached drawings and maps.

This jurisdictional determination takes into consideration the U.S. Supreme Court's decision in Solid Waste Agency of Northern Cook County v. Corps of Engineers (the SWANCC decision). The area encompassed by this jurisdictional determination is a waterbody/wetland that is approximately 0.13 acre in size.

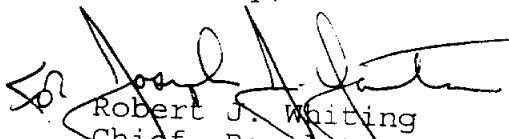
The subject water body is not a "water of the United States" because it is: (1) not a "navigable water" as defined by Federal law, (2) not an interstate water, (3) not part of a tributary system to (1) or (2), (4) not a wetland adjacent to any of the foregoing, and (5) not an impoundment of any of the above. In addition, the interstate commerce nexus to this particular waterbody is insufficient to establish Clean Water Act jurisdiction. This water body is therefore not subject to regulation by the Corps of Engineers under Section 404 of the Clean Water Act. Please note that this water may still be subject to regulation by the State.

This jurisdictional determination is valid only for the project and waterbody referenced above. It is based on the Headquarters guidance available to us at this time.

PLEASE NOTE THAT THIS LETTER DOES NOT ELIMINATE THE NEED FOR OTHER FEDERAL, STATE, LOCAL, OR OTHER AUTHORIZATIONS.

If you have any questions, contact Mr. Joseph Yanta in our St. Paul office at (651) 290-5362. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,


Robert J. Whiting
Chief, Regulatory Branch

Enclosures

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